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R. ROSS VIGUET FULBRIGHT & JAWORSKI L.L.P. 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201-2784			EXAMINER TAYLOR, BARRY W	
			ART UNIT 2643	PAPER NUMBER
DATE MAILED: 10/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/995,253

### Applicant(s)

LORD, H. MICHAEL

### Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 38-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 11-37 and 41-68 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 12 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I. in Paper No. 9 is acknowledged. The traversal is on the ground(s) that Groups II to VII (claims 11-37, 41-68) are improper. This is not found persuasive because Groups II to VII are directed toward inventions that are different and distinct from the invention of Group I and require detailed search in other areas other than the area of Group I.

The requirement is still deemed proper and is therefore made FINAL.

2. This application contains claims (claims 11-37, 41-68) drawn to an invention nonelected with traverse in Paper No. 9. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7 and 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Adams et al (US 6,631,186 hereinafter Adams).

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Regarding claim 1. Adams teaches a method of exchanging data between a call processing system (see SMS 48 figure 1) and an external system (see SCP 23 figure 1) to ensure reconciliation of data stored within each of the systems (col. 2 lines 41-60), the method comprising the steps of:

creating a data message containing updated data within one of the systems (see figure 1 wherein WEB CLIENT 30 selects data to be sent to the Service Management System (see SMS 48 figure 1, col. 5 line 63 – col. 6 line 32, col. 7 lines 65-67, col. 15 line 54 – col. 18 line 30);

storing the data message within the system that created the data message (see figure 1 wherein SMS stores the data message before forwarding to SCP 23 figure 1, col. 5 line 63 – col. 6 line 32, see col. 7 lines 52-56 wherein the data message stored at SCP and at SMS, see SMS stores and forwards data message to SCP col. 7 lines 65-67, col. 15 line 54 – col. 18 line 30);

sending the data message to the other system (see SMS stores and forwards data message to other system (i.e. SCP)---col. 7 lines 65-67);

reading the data message within the other system (col. 5 line 63 – col. 6 line 32, col. 7 line 65-67, col. 15 line 54 – col. 18 line 30);

sending a receipt acknowledge message to the system that sent the data message (see col. 16 line 65 – col. 17 line 23 wherein SMS sends acknowledgement to the subscriber that instructions have been received and implemented); and

modifying data within either one or both of the systems according to the updated data contained within the data message (see figure 1 wherein SMS stores the data

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message before forwarding to SCP 23 figure 1, col. 5 line 63 –col. 6 line 32, see col. 7 lines 52-56 wherein the data message stored at SCP and at SMS, see SMS stores and forwards data message to SCP col. 7 lines 65-67, col. 15 line 54 – col. 18 line 30).

Regarding claim 2. Adams teaches wherein one of the systems is a Database of Record (see either SCP or SMS figure 1).

Regarding claims 3 and 39. Adams teaches wherein the data message contains data written in a self-describing format (see col. 13 – col. 14 line 5 wherein data messages is standard mark-up language developed by the World Wide Web Consortium (W3C).

Regarding claims 4 and 40. Adams teaches wherein the data message contains data written in XML format (see col. 13 – col. 14 line 5 wherein data messages is standard mark-up language developed by the World Wide Web Consortium (W3C).

Regarding claim 5. Adams teaches wherein the data message contains data relating to a telephone call placed on a telephone in communication with the call processing system (col. 5 line 63 – col. 6 line 2).

Regarding claim 7. Adams teaches wherein the data message contains data relating to an account associated with a PIN number (col. 15 line 60 – col. 16 line 25, see SMS authenticating (i.e. steps 103 and 104 in figure 2) subscriber 30 figure 2).

Regarding claim 38. Adams teaches a method of exchanging data between a call processing system (see SMS 48 figure 1) and an external system (see SCP 23 figure 1) in connection with maintaining personal identification number (PIN) information

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associated with a caller to ensure reconciliation of data stored within each of the systems (col. 2 lines 41-60), the method comprising the steps of:

sending a PIN information message to the call processing system from a persistent store and forward message queue (see figure 1 wherein SMS stores the data message before forwarding to SCP 23 figure 1, col. 5 line 63 –col. 6 line 32, see col. 7 lines 52-56 wherein the data message stored at SCP and at SMS, see SMS stores and forwards data message to SCP col. 7 lines 65-67, col. 15 line 54 – col. 18 line 30);

modifying a database within the external system according to the PIN information message when the PIN information message is received by the call processing system (see figure 1 wherein SMS stores the data message before forwarding to SCP 23 figure 1, col. 5 line 63 –col. 6 line 32, see col. 7 lines 52-56 wherein the data message stored at SCP and at SMS, see SMS stores and forwards data message to SCP col. 7 lines 65-67, col. 15 line 54 – col. 18 line 30); and

storing the PIN information message within either one or both of the systems (see col. 7 lines 52-56 wherein the data message stored at SCP and at SMS, col. 15 line 54 – col. 18 line 30).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6,8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al (US 6,631,186 hereinafter Adams) in view of Rosenhaft et al (Pub. No.: US 2002/0059148 hereinafter Rosenhaft).

Regarding claim 6. Adams teaches wherein the data message contains data relating to an order placed on a telephone in communication with call processing system (see figure 3-8 wherein subscriber selects services such as call forwarding (see figures 3-5), call screen services (figures 6-7) which reads on "order" placed on telephone).

However, Adams fails to teach the data message contains data relating to a merchandise order placed on the telephone in communication with the call processing system.

Rosenhaft teaches a system for providing a wide range of telecommunications initiated data fulfillment services in which "\*" trigger code is inputted into an originating telecommunications device and triggers the treatment of the input sequence as a multi-function code service request rather than a dialed directory number (abstract). In other words, customer enters input string (22 figure 1) into telecommunication device (24 figure 1). The input string is received at a trigger-enabled telecommunications switch (see SSP 26 figure 1) wherein the SSP is configured to detect and recognize the "\*" (star, pound) multi-function code as a trigger event. In response to detecting the star, pound trigger event, the SSP holds the call and queries SCP translation table (see 72 figure 7) for instruction set to implement. Rosenhaft discloses instruction set "\*"#1" used for mobile vending instruction set (see paragraph 0037). Next, SSP delivers the data message to data fulfillment platform (30 figure 1) wherein the fulfillment platform

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receives the data message (28 figure 1) and identifies the product code to complete the remote vending purchase (see paragraphs 0037 to 0047, 0059 to 0065).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the SCP as taught by Adams to include "\*" (star, pound) trigger code as taught by Rosenhaft for the benefit of allowing customer to enter "\*" at telephone device to make remote vending purchase from vending machine offering products such as food, drinks, tokens, movie tickets, clothing, gasoline and so forth as disclosed by Rosenhaft (see last four lines of paragraph 0033).

Regarding claim 8. Adams fails to teach wherein the external system is a commissary system.

Rosenhaft teaches a system for providing a wide range of telecommunications initiated data fulfillment services in which "\*" trigger code is inputted into an originating telecommunications device and triggers the treatment of the input sequence as a multi-function code service request rather than a dialed directory number (abstract). In other words, customer enters input string (22 figure 1) into telecommunication device (24 figure 1). The input string is received at a trigger-enabled telecommunications switch (see SSP 26 figure 1) wherein the SSP is configured to detect and recognize the "\*" (star, pound) multi-function code as a trigger event. In response to detecting the star, pound trigger event, the SSP holds the call and queries SCP translation table (see 72 figure 7) for instruction set to implement. Rosenhaft discloses instruction set "\*"1" used for mobile vending instruction set (see paragraph 0037). Next, SSP delivers the data message to data fulfillment platform (30 figure 1) wherein the fulfillment platform



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receives the data message (28 figure 1) and identifies the product code to complete the remote vending purchase (see paragraphs 0037 to 0047, 0059 to 0065).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the SCP as taught by Adams to include “\*#” (star, pound) trigger code as taught by Rosenhaft for the benefit of allowing customer to enter “\*#” at telephone device to make remote vending purchase from vending machine.

Regarding claim 10. Adams fails to teach sending an initial request for data to the other system; and sending a response to the initial request for data to the system sending the initial request prior to the creation of the data message.

Rosenhaft teaches a system for providing a wide range of telecommunications initiated data fulfillment services in which “\*#” trigger code is inputted into an originating telecommunications device and triggers the treatment of the input sequence as a multi-function code service request rather than a dialed directory number (abstract). In other words, customer enters input string (22 figure 1) into telecommunication device (24 figure 1). The input string is received at a trigger-enabled telecommunications switch (see SSP 26 figure 1) wherein the SSP is configured to detect and recognize the “\*#” (star, pound) multi-function code as a trigger event. In response to detecting the star, pound trigger event, the SSP holds the call and queries SCP translation table (see 72 figure 7) for instruction set to implement. Rosenhaft discloses instruction set “\*#1” used for mobile vending instruction set (see paragraph 0037). Next, SSP delivers the data message to data fulfillment platform (30 figure 1) wherein the fulfillment platform

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receives the data message (28 figure 1) and identifies the product code to complete the remote vending purchase (see paragraphs 0037 to 0047, 0059 to 0065).

In other words, SSP sends initial request for data to SCP (see TRANSLATION TABLE 72 and 74 figure 7) and the SCP sends a response to the initial request prior to the creation of the data message (see 28 figure 1) sent to the DATA FULFILLMENT PLATFORM (30 figure 1).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the SCP as taught by Adams to include “\*#” (star, pound) trigger code as taught by Rosenhaft for the benefit of allowing customer to enter “\*#” at telephone device to make remote vending purchase from vending machine.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al (US 6,631,186 hereinafter Adams) in view of Dikmen (6,549,613).

Regarding claim 9. Adams fails to teach wherein the external system (i.e. SCP 23 figure 1) is the Law Enforcement Management System (LEMS).

Dikmen teaches method and apparatus for network based CALEA (Communications Assistance for Law Enforcements) solution (columns 1-2). Dikmen discloses using a Delivery Function (see DF 20 figure 2) contains SCP and service node (SN) wherein the SCP and SN work together in receiving the incoming/outgoing calls to/from the target subscriber to be intercepted and delivering the call identifying information and call content to the law enforcement agency as defined in the J-STD-025 (column 3). In other words, SCP interrupts the call processing in the end-office switch

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12 figure 2 and causes the end-office switch to send the call to the delivery function instead of delivering the call to its real destination (col. 3 lines 23-34).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the SCP as taught by Adams to include a delivery function as taught by Dikmen for the benefit of forwarding telephone call to the law enforcement site (30 figure 2) as taught by Dikmen.

### ***Response to Arguments***

6. Applicant's arguments filed 7/9/2004 have been fully considered but they are not persuasive.

a) Regarding Applicant's argument on page 4, paper dated 7/9/2004, second to last paragraph wherein Applicant's contend that the WEB CLIENT of Adams (not the SMS or SCP) creates the data message.

The Examiner disagrees. First of all, Applicant's independent claim language is general in nature in that WEB CLIENT, SMS and SCP are silent in Applicant's independent claim language. Furthermore, Applicant's assertion that the WEB CLIENT creates the data message is an error (see Adams col. 6 lines 27-33 wherein the Service Management System (a.k.a. SMS) functions as a communications interface between the SCP and the WEB server). In other words, the SMS stores and forwards data message to other system (i.e. the SCP) enabling the SCP to arm SSPs so that when the call forwarding service is implemented the SSPs will know how to react to "TRIGGER" conditions when they occur.

b) Regarding Applicant's argument appearing in the last paragraph on page 14 continuing to top of page 15 wherein Applicant's contend that subscriber is not the system that is relied upon as either the call processing system or the external system of claim 1 and, therefore cannot be the system that sent the data message as set forth in the claim.

The Examiner notes that the SMS is the call processing system and the external system is the SCP and the SMS sends acknowledgement to the subscriber that instructions have been received and implemented. In other words, the SMS cannot provide acknowledgement until the SCP receives and implements the instructions. This is typical protocol for SCP since the SSP first needs to be programmed on how to handle new requested features (see Adams col. 20 lines 1-11).

c) Next, Applicant's argue the remaining independent claim 38, see second full paragraph page 15 wherein Applicant's generally argue that no disclosure can be found in Adams for exchanging data between the SMS and the SCP in connection with maintaining PIN information, see e.g., column 14, lines 24-33.

The Examiner respectfully disagrees. See Examiner's rejection listed above wherein Examiner clearly points to Adams col. 15 line 564 – col. 18 line 30. For example, Adams col. 16 line 20 enables subscriber to change PIN and other features.

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d) Applicant's argue that Adams fails to teach a persistent store-and-forward message queue (see second to last paragraph page 15).

The Examiner disagrees. Adams teaches the SMS stores the updated call forwarding service data and transmits (i.e. forwards) the updated call forwarding service data to the SCP. Adams teaches storing priority-screening list in SMS then forwards the telephone numbers to be screened to the SCP (col. 17 lines 8-10).

e) Next, Applicant's argue that Adams invention of modifying information is not temporal in nature (see starting at last paragraph on page 15 continuing to page 16).

The Examiner disagrees. See Adams figures 3-8 wherein customer is given option (see click "Cancel") before making final decision.

f) Applicant's argue that Adams fails to teach a main database, which stores a complete information (see Applicant's remark on page 16 second to last paragraph).

The Examiner disagrees. See top left of Adams figure 1 wherein SCP has main database (NAME DATABASE---item 50).

g) Applicant's argue that Adams fails to teach a self-describing format (see Applicant's remark starting at the bottom of page 16 and continuing to page 17).

The Examiner disagrees. See Adams columns 13 and 14 wherein standard mark-up language used.

h) Regarding Applicant's remark on page 17 regarding claim 4 wherein Applicant's contend that Adams fails to teach XML.

The Examiner disagrees. Adams teaches using a standard mark-up language (see columns 13 and 14).

I) Regarding applicant's remark on page 17 with regards to claim 5 wherein Applicant contend that Adams fails to teach data relating to a telephone call placed on a telephone in communication with the system.

The Examiner disagrees. Adams allows user to either use computer or telephony to request data modification (col. 5 line 63 – col. 6 line 2).

j) Regarding Applicant's remark regarding **newly amended** dependent claim 6 (see Applicant's remark on page 17) wherein Applicant's contend that Adams fails to teach data relating to merchandise.

Examiner agrees. See Examiner's rejection for newly amended claim 6 listed above.

k) Next, Applicant's skip dependent claim 7?

L) Applicant's argue that claims 8 and 10 lack motivation to combine (see Applicant's remarks starting at bottom of page 17 and continuing to page 18).

The Examiner disagrees. The motivation is self-evident. Adams teaches data message contains data relating to an account associated with a PIN number but fails to show using the PIN for a commissary system (see steps 103 and 104 figure 2 wherein subscriber authenticated). Rosenhaft also teaches SSPs configured to recognize triggers (i.e. “\*#”) and in response to detecting the “\*#” trigger event. In fact, Rosenhaft discloses SSP recognize the “\*#1” used for mobile vending instructions (i.e. commissary instruction). Therefore, it would have been obvious for any one of ordinary skill in the

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art at the time of invention to modify the SSPs as taught by Adams to recognize “\*#” triggers as taught by Rosenhaft for the benefit of allowing customer to enter “\*#” trigger from telephony device so that food or drink (i.e. commissary item) may be purchased via simple use of telephone.

m) Regarding Applicant's remark on page 18 wherein Applicant's contend that if Adams invention were modified then the SCP would be in communication with the fulfillment platform and would itself not be a commissary system.

The Examiner respectfully disagrees. First of all, if the SSP in Adams were modified to recognize “\*#” trigger codes then the SSP would be properly programmed to respond accordingly. In other words, the trigger condition detected in the modified Adams SSP would query SCP on how to handle trigger. In this case, the SSP would first query SCP and SCP would reply to SSP that trigger “\*#” should be routed to remote vending platform as taught by Rosenhaft so that subscriber can order soda or food.

n) Applicant's similarly argue (page 18) that SCP interrupts call processing and causes the end-office to send the call to a delivery function instead of delivering the call to its real destination, the proffered modification does not result in the SCP of Adams being a Law Enforcement Management System.

The Examiner disagrees. First of all Dikmen makes it very clear that network based solution is used saving manufacturers money in that they do not have to make internal switch software or hardware (col. 2 lines 57-67). All that is required by Dikmen

is changing switch translation tables (col. 2 lines 57-67), which is easily incorporated into Adams translation tables for call forwarding services. Therefore, modifying the switches to trigger on a telephone call that is forwarded and is marked to be trapped by Law Enforcement Agency would have been obvious to one of ordinary skill in the art. Furthermore, Dikmen discloses SCP and service node integrated together (see item 20 figure 2). The Examiner notes that is well known to make components integral or separable. It would follow that if the Law Enforcement System owned the SCP and service node then the SCP would in fact be the external Law Enforcement System because the SCP be owned and operated by the Law Enforcement System and need not forward it to itself.

o) Regarding Applicant's general remark at the bottom of page 18 wherein Applicant's contend that Adams modified in light of the SSP and SCP interaction taught by Rosenhaft does not provide the requisite communication.

The Examiner disagrees. First of all, independent claims are general in nature (see Examiner's rejection and response to arguments listed above regarding independent claim 1). Furthermore, Adams indeed verifies (i.e. authenticates---see authenticating steps 103 and 104 figure 2) before allowing data to be modified, which alone reads on Applicant's general claim language.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



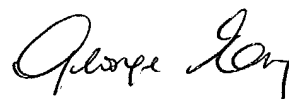
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.

  
GEORGE ENG  
PRIMARY EXAMINER